

under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Ryan in view of Pulliam et al., U.S. Patent No. 6,609,108.

The rejections are in error. Ryan does not include the preamble or the final limitation of claim 1.

Claim 1 in its entirety recites:

1. A method of generating a target list of customers comprising the steps of:
 - (a) receiving a search criterion from a customer for producing search results;
 - (b) obtaining and transmitting the search results to the customer; and
 - (c) transmitting to the customer an invitation to be included in the target list related to the search criterion.

Figures 10a and 10b of the specification show how this claim may be practiced in one exemplary embodiment. In the example, the customer entered “cars” into the search engine. The search engine returned search results, all relating to cars. In addition to the search results, the system displayed an invitation in the form of a clickable link containing the text, “Click here to sign up for a weekly newsletter about cars.”

Ryan lacks any disclosure of “generating a target list of customers” or of “transmitting . . . an invitation to be included in the target list.” The Examiner points to Col. 2, lines 28-31 and 50-56, to find such a disclosure. But these portions of Ryan have nothing to do with target lists or invitations. Instead, these excerpts describe merely “updating an internet search engine database with the results of a user’s selection of specific web page lists from the general web page listing provided to the user as a result of his initial keyword search entry” (Ryan, 2:27-31). Ryan, then, focuses on “updating the

database with the selections of many different users . . . to prioritize those web listings that have been selected the most with respect to a given keyword, and thereby presenting first the most popular web pages listings in a subsequent search using the same keyword search entry" (Ryan, Abstract). In this way, Ryan never invites any customer to be included in any target list. Instead, Ryan uses the history of all users' selections to influence the order in which search engine results for the same keyword will be presented to the next user who selects that keyword.

Since Ryan lacks these limitations of claim 1, Ryan necessarily lacks the additional limitations of dependent claim 2 which involves a customer accepting the invitation and including contact information with the acceptance.

Since claims 1 and 2 are not anticipated, the rejection should be withdrawn.

The obviousness rejections of claims 3-5 must also be withdrawn since they are based on an incorrect view of the Ryan disclosure. There are additional reasons to withdraw the rejection of claims 3-5.

The Examiner's secondary reference, Pulliam, does not include the additional limitations of claims 3-5. Pulliam discloses an online communication schema for ordering vehicles (Pulliam, Abstract). Part of the schema involves "a confirmation message generated in response to processing the order message" (Pulliam, 3:50-51). In other words, Pulliam confirms the placement of a vehicle order with a message.

In contrast, claims 3-5 each require "transmitting a confirmation request using the contact information." A confirmation request (what the claims require) is not the same thing as a confirmation message (what Pulliam discloses). For at least these reasons, Ryan in view of Pulliam cannot render claims 3-5 obvious.

For the foregoing reasons, Applicants respectfully request withdrawal of the rejections and early allowance.

You are authorized to charge any fees to the undersigned's deposit account (#14-1131).

Applicants appreciate the Examiner's attention to this matter.

Respectfully submitted,



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